



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,713	02/04/2004	Michael L. Price	CCK-0133	4134

7590 09/07/2006

KNOBLE YOSHIDA & DUNLEAVY, LLC
Eight Penn Center, Suite 1350
1628 John F. Kennedy Blvd.
Philadelphia, PA 19103

EXAMINER

HYLTON, ROBIN ANNETTE

ART UNIT	PAPER NUMBER
----------	--------------

3727

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/771,713	Applicant(s) PRICE ET AL.	
	Examiner Robin A. Hylton	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings were received on March 20, 2006. These drawings are approved with the examiner's notation of "Replacement Sheet" added to the top margin pursuant to 37 CFR 1.121(d).

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1 and 3-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taha (US 6,491,175).

As seen in figure 1 (for example), the lower portion of the skirt between the lower rim (80) and the lowermost thread (38) has an increased thickness. Wherein the closure of Taha is structurally the same as that which is claimed, it inherently performs the claimed function of enhancing the dimensional integrity of the closure during opening. Taha teaches the claimed closure except for the dimensions set forth in the claims.

Wherein no criticality is set forth for the specific dimensions in the claims, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select a value suitable for the maximum thickness suitable for reinforcing the closure skirt at the area between the lowermost thread and the lower rim without adding unnecessary weight or material thickness, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

4. Claims 1 and 3-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luker et al. (US 4,572,387).

Art Unit: 3727

The increased area of thickness (26) while rounded also provides a substantially smooth inner surface. Wherein the closure of Luker is structurally the same as that which is claimed, it inherently performs the claimed function of enhancing the dimensional integrity of the closure during opening. Luker teaches the claimed closure except for the dimensions set forth in the claims.

Wherein no criticality is set forth for the specific dimensions in the claims, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select a value suitable for the maximum thickness suitable for reinforcing the closure skirt at the area between the lowermost thread and the lower rim without adding unnecessary weight or material thickness, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

5. Claims 1 and 3-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirchgessner et al. (WO 94/14672).

Viewing the figures, the lower portion of the skirt is seen to be of increased thickness between the lowermost thread and the lower rim. Wherein the closure of Kirchgessner is structurally the same as that which is claimed, it inherently performs the claimed function of enhancing the dimensional integrity of the closure during opening. Kirchgessner teaches the claimed closure except for the dimensions set forth in the claims.

Wherein no criticality is set forth for the specific dimensions in the claims, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select a value suitable for the maximum thickness suitable for reinforcing the closure skirt at the area between the lowermost thread and the lower rim without adding unnecessary weight or material thickness, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

Art Unit: 3727

6. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art drawing figures of the instant application in view of Ekkert (US 6,625,227).

The prior art drawing figures show a closure skirt having a narrowed portion on an inner surface of the skirt at a portion between the lowermost thread and the lower rim.

Ekkert teaches it is known to provide a closure skirt with or without a recess on the inner surface of the skirt at a portion between the lowermost thread and the lower rim.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of a reinforcing means comprising an area of increased skirt thickness in the area between the lower rim and the lowermost thread to the closure skirt of the prior art drawing figures. Doing so is an art recognized substitution of structurally equivalent arrangements of closure skirts suitable for engagement with an associated container neck and selecting any one is a matter of design choice.

Wherein no criticality is set forth for the specific dimensions in the claims, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select a value suitable for the maximum thickness suitable for reinforcing the closure skirt at the area between the lowermost thread and the lower rim without adding unnecessary weight or material thickness, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

Response to Arguments

7. Applicant's arguments filed June 21, 2006 have been fully considered but they are not persuasive.

Applicant argues the dimension of "at least 0.05 inches" of maximum thickness is a "substantial increase in closure hoop strength" and this is important to the improvement of prior closures. However, the dimension is significant to a closure having particular overall

Art Unit: 3727

dimensions which are not recited in the instant claims. Moreover, applicant has not supplied evidence that this "finding" was unexpected nor was found without experimentation.

All of the applied prior art teach a threaded, plastic closure having a reinforcing means defined on the skirt in an area between the lower rim and a lowermost thread. While it is agreed the references do not point out a specific dimension for this increased thickness, it is asserted that the thickness would be appropriate for the dimension of the individual closure and would be found by one of ordinary skill in the art.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F.R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt

Art Unit: 3727

development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

10. In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at (571) 273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 3720 will be promptly forwarded to the examiner.

11. It is called to applicant's attention that if a communication is faxed before the reply time has expired, applicant may submit the reply with a "Certificate of Facsimile" which merely asserts that the reply is being faxed on a given date. So faxed, before the period for reply has expired, the reply may be considered timely. A suggested format for a certificate follows:

I hereby certify that this correspondence for Application Serial No. _____ is being facsimiled to The U.S. Patent and Trademark Office via fax number 571-273-8300 on the date shown below:

Typed or printed name of person signing this certificate

Signature _____

Date _____

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robin Hylton whose telephone number is (571) 272-4540. The examiner can normally be reached Monday - Friday from 9:00 a.m. to 4:00 p.m. (Eastern time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse, can be reached on (571) 272-4544.

Any inquiry of a general nature or relating to the status of this application or proceeding may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.


Art Unit: 3727

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Other helpful telephone numbers are listed for applicant's benefit:

- Allowed Files & Publication (888) 786-0101
- Assignment Branch (800) 972-6382
- Certificates of Correction (703) 305-8309
- Fee Questions (571) 272-6400
- Inventor Assistance Center (800) PTO-9199
- Petitions/special Programs (571) 272-3282
- Information Help line 1-800-786-9199
- Internet PTO-Home Page <http://www.uspto.gov>

RAH
September 1, 2006



Robin A. Hylton
Primary Examiner
GAU 3727

approved



Replacement Sheet

1 / 2

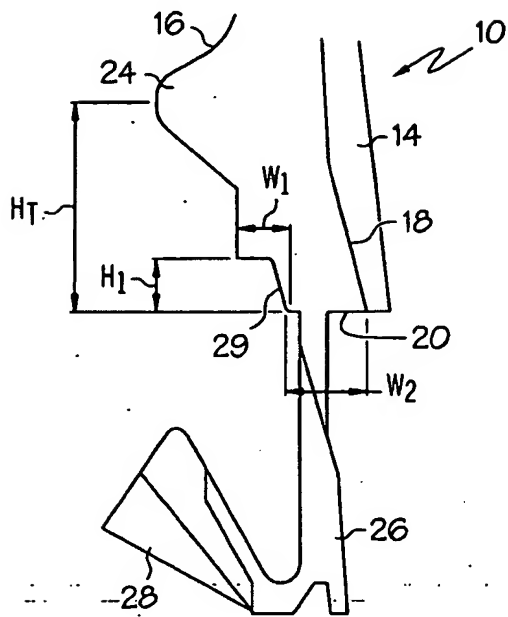


FIG. 1
(PRIOR ART)

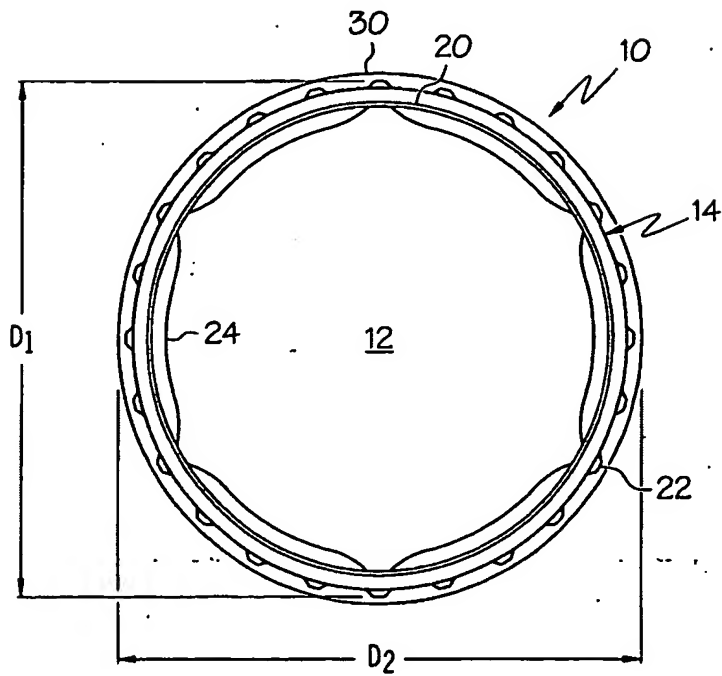


FIG. 2
(PRIOR ART)

approved cut

2 / 2

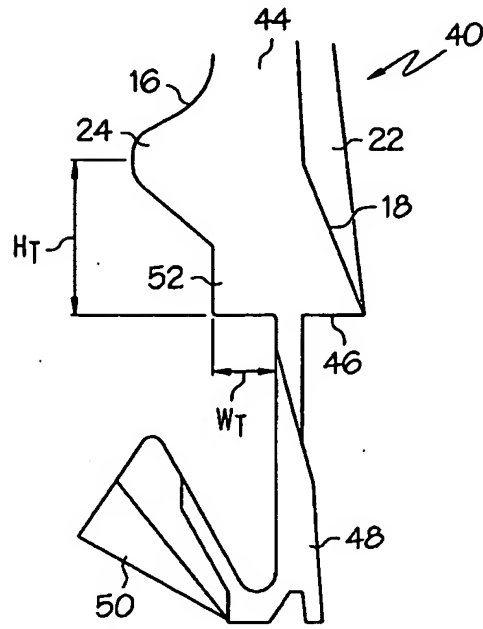


FIG. 3

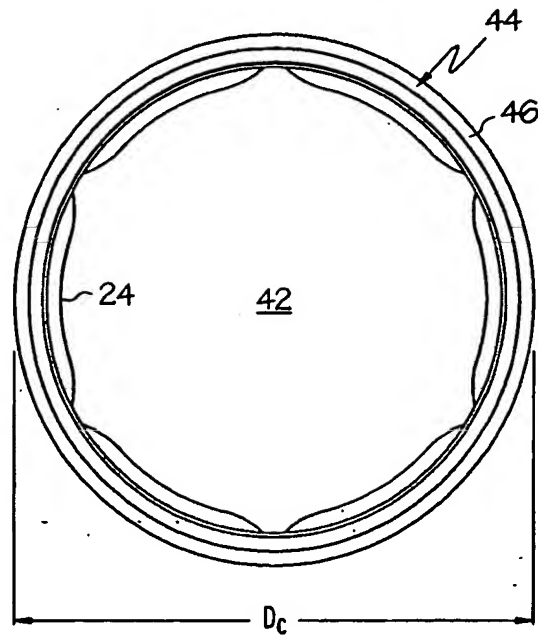


FIG. 4